

**ORDINANCE NO. 07-78**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A PAWNSHOP WITH A DISTANCE SEPARATION OF 648 FEET, WHERE AT LEAST 2,000 FEET ARE REQUIRED, BETWEEN AN EXISTING PAWNSHOP LOCATED AT 3152 WEST 76 STREET, AND THE PROPOSED PAWNSHOP LOCATED AT 3185 WEST 76 STREET, BAY NO. 9, CONTRA TO HIALEAH CODE § 98-1111(21). **PROPERTY LOCATED AT 3185 WEST 76 STREET, BAY NO. 9, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Hialeah, Florida at its regular meeting of August 14, 2007 directed the Law Department to provide this ordinance overriding the Planning and Zoning Board's recommendation of denial at its meeting of August 8, 2007 recommended approval of this ordinance; and

**WHEREAS**, the petitioner proffers a declaration of restrictive covenants limiting the operation of the proposed pawnshop to transactions involving jewelry, antiques, sporting goods (no guns, knives or weapons), memorabilia and electronics, to which the City accepts; and

**WHEREAS**, the City Council approves the variance of the 2,000-foot separation between the pawnshops because there is not an over-concentration of pawnshops in this particular area, the pawnshops are located in two separate shopping centers, the business has limited the nature of its operations and since 1991, the number of pawnshops within the City have increased marginally from approximately 52 pawnshops to 55 pawnshops today in the City, according to testimony provided to the Council.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

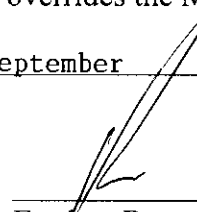
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 11<sup>th</sup> day of September, 2007.

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Esteban Bovo  
Council President

Attest:

Approved on this \_\_\_\_ day of \_\_\_\_\_, 2007.

**MAYOR'S SIGNATURE WITHHELD**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

Ordinance was passed and adopted by the Hialeah City Council on September 11, 2007 and became effective September 25, 2007 without Mayor's signature.

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Ordinance was adopted by a 6-0-1 vote with Councilmembers Bovo, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes" and Councilmember Caragol voting "No".

# DECLARATION OF RESTRICTIVE COVENANTS (CORPORATE ENTITY)

(I) (WE), JUAN PERNAS, Mario Ferno president of Little Palm Plaza LLC

Being the owner(s) of the lands described herein:

also known as: 3185 West 76<sup>th</sup> Street, #9  
Hialeah, Florida 33016

make the following Declaration of Restrictive covenants covering and running with the above property, specifying that this restriction during its lifetime shall be for the benefit of and a limitation upon all present and future owners of the real property described above, in favor of and enforceable by the City of Hialeah, Florida.

In connection therewith, the undersigned covenants, represents and agrees as follows:

1. THE SECONDHAND DEALER'S LICENSE WILL BE USED - PAWN ONLY,  
ANTIQUES, JEWELRY, SPORTING GOODS, MUSIC, SILVER AND  
ELECTRONICS; TOOLS,  
NO CAR STEREOS, CAR RIMS, AMPLIFIERS, LAW  
"ABSOLUTELY NO WEAPONS, KNIVES OR FIREARMS"
2. This covenant is intended and shall constitute a covenant running with the property and shall constitute a covenant running with the property and shall be recorded in the Public Records of Dade County, Florida. The covenant shall remain in full force and effect and shall be binding upon the owner, its (their) heirs, successors and assigns until such time as the covenant is modified, amended or released and may only be modified, amended or released by a written instrument executed by the then owner having fee simple title to the property affected or to be affected by such modification, amendment, or release; provided however, the same is also approved by the City Council and the Mayor of the City of Hialeah, or its successors, by resolution, upon advertised notice, or by ordinance if the covenant is adopted by ordinance or as otherwise provided in Hialeah Charter.
3. Where construction has occurred on said property described herein, pursuant to a permit issued by the City of Hialeah, and inspection made and approval of occupancy given by the City, the same shall create a conclusive presumption that the improvements thus constructed comply with the intent and spirit of the restrictions referenced herein and this Declaration of Restrictive Covenants shall not be construed as clouding title of any of said property on which such development has occurred.

*Original  
Sent for  
recording*

*oid  
07-78*

IN WITNESS THEREOF, we have hereunto set our hands and seals at  
8165 NW 155th St. Miami Lakes this 25 day of September, 2007.  
(Location)

Signed, sealed and delivered in  
the presence of:

ATTEST: \_\_\_\_\_  
(Secretary)

Print Name: \_\_\_\_\_

OWNER'S CORPORATE NAME:

Little Palm Plaza, LLC.

By: Mario Ferro

Title: President

Print Name: Mario Ferro

Witness  
Print Name: Yelany Martinez

Witness  
Print Name: Jennifer Aquino

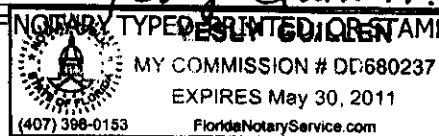
STATE OF FLORIDA  
COUNTY OF DADE

The foregoing instrument was acknowledged before me on this 25 day of  
September, 2007 by Mario Ferro Jr., as President,  
(Name of Officer or Agent) (Position)  
and \_\_\_\_\_, as Secretary of Little Palm Plaza, Inc.  
(Name of Secretary) (Name of Corporation)  
a Florida corporation, on behalf of the corporation.  
(State or Place of Incorporation)

They are personally known to me or have produced the following  
Driver License as identification and did (did not) take an oath and  
attested to the truth and accuracy of the representations contained herein.

Yesly Guillen  
SIGNATURE OF NOTARY PUBLIC

NAME OF NOTARY TYPED, PRINTED OR STAMPED  
Yesly Guillen



ATTEST: \_\_\_\_\_

(Secretary)

Print Name: \_\_\_\_\_

TENANT'S CORPORATE NAME:

AJ JEWELERS INC

By: \_\_\_\_\_

Title: PRESIDENT

Print Name: JUAN PERNAS

Witness

Print Name: Yelany Martinez

Witness

Print Name: Jennifer Aquino

STATE OF FLORIDA

COUNTY OF DADE

The foregoing instrument was acknowledged before me on this 25 day of September, 2007 by Juan Pernas, as President,  
(Name of Officer or Agent) (Position)  
and \_\_\_\_\_, as Secretary of A J. Jewelry Inc.,  
(Name of Secretary) (Name of Corporation)  
a Florida corporation, on behalf of the corporation.  
(State or Place of Incorporation)

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Driver license as identification and did (did not) take an oath and  
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Yesly Guillen  
SIGNATURE OF NOTARY PUBLIC

NAME OF NOTARY TYPED, PRINTED, OR STAMPED



**DECLARATION OF RESTRICTIVE COVENANTS  
(CORPORATE ENTITY)**

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NO CAR STEREOS, CAR RIMS, AMPLIFIERS, LAWN TOOLS.  
"ABSOLUTELY NO WEAPONS, KNIVES OR FIREARMS"
2. This covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment, and title to the above-described property and shall constitute a covenant running with the land and may be recorded in the Public Records of Dade County, Florida. This covenant shall remain in full force and effect and shall be binding upon the undersigned, its (their) heirs, successors and assigns until such time as the same is modified, amended or released and may only be modified, amended or released by a written instrument executed by the then owner having fee simple title to the property affected or to be affected by such modification, amendment, or release; provided however, the same is also approved by the City Council and the Mayor of the City of Hialeah, or its successors, by resolution, upon advertised notice, or by ordinance if the covenant is adopted by ordinance or as otherwise provided in Hialeah Charter.
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CFN 2007R1023473 OR BK 26002 Pgs 3022 - 3024 (3pgs)  
RECORDED 10/22/2007 15:27:00  
HARVEY RUVIN, CLERK OF COURT, MIAMI-DADE COUNTY, FLORIDA

IN WITNESS THEREOF, we have hereunto set our hands and seals at  
8165 NW 155th St. Miami Lakes this 25 day of September, 2007.  
(Location)

Signed, sealed and delivered in  
the presence of:

ATTEST: \_\_\_\_\_  
(Secretary)  
Print Name: \_\_\_\_\_

OWNER'S CORPORATE NAME: \_\_\_\_\_  
Little Palm Plaza, LLC.  
By: Mario Ferro  
Title: President  
Print Name: Mario Ferro

[Signature]  
Witness  
Print Name: Yelany Martinez

[Signature]  
Witness  
Print Name: Jennifer Aquino

STATE OF FLORIDA  
COUNTY OF DADE

The foregoing instrument was acknowledged before me on this 25 day of  
September, 2007 by Mario Ferro Jr., as President,  
(Name of Officer or Agent) (Position)  
and \_\_\_\_\_, as Secretary of Little Palm Plaza, Inc.  
(Name of Secretary) (Name of Corporation)  
a Florida corporation, on behalf of the corporation.  
(State or Place of Incorporation)

They are personally known to me or have produced the following  
Driver License as identification and did (did not) take an oath and  
attested to the truth and accuracy of the representations contained herein.

[Signature]  
SIGNATURE OF NOTARY PUBLIC

Yesly Guillen  
NAME OF NOTARY TYPED AND PRINTED



ATTEST: \_\_\_\_\_

(Secretary)

Print Name: \_\_\_\_\_

TENANT'S CORPORATE NAME:

AJ JEWELERS INC

By: Juan Pernas

Title: PRESIDENT

Print Name: JUAN PERNAS

[Signature]  
Witness

Print Name: Yelany Martinez

[Signature]  
Witness

Print Name: Jennifer Aquino

STATE OF FLORIDA

COUNTY OF DADE

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(Name of Officer or Agent) (Position)  
and \_\_\_\_\_, as Secretary of A. J. Jewelry Inc.,  
(Name of Secretary) (Name of Corporation)  
a Florida corporation, on behalf of the corporation.  
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